

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q91743

Akihiro GOTO, et al.

Appln. No.: 10/558,384

Group Art Unit: 1792

Confirmation No.: 4167

Examiner: Horning, Joel G.

Filed: September 5, 2006

For: ELECTRODE FOR DISCHARGE SURFACE TREATMENT, MANUFACTURING METHOD FOR ELECTRODE FOR DISCHARGE SURFACE TREATMENT, DISCHARGE SURFACE TREATMENT APPARATUS, AND DISCHARGE SURFACE TREATMENT METHOD

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirement, dated July 29, 2009. In response to the Restriction Requirement, Applicant elects Group III, claims 90-115 for examination. This election is made without traverse.

Furthermore, the Examiner has identified the application as containing claims directed to more than one distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. In particular, the Examiner maintains that certain claims are directed to different compositions of the electrode and that Applicant must elect a single species. The Examiner believes claims 60, 62-64, 66-67, 69, 71-74, 76-80, 82-87, 89-103, 105-111, 113-129, 131-138 and 140-143 are

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generic. Thus, the election of species is directed to claims 61, 65, 68, 70, 75, 81, 88, 104, 112, 130 and 139. Based on the recitations of the cited claims, the Examiner appears to have requested election between three separate sets of species. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In regard to the specific claims included in elected Group III, i.e., claims 90-115, the Examiner maintains that claims 90-103, 105-111 and 113-115 are generic. Thus, within the elected group, the claims involved in the Election of Species include claims 104 and 112. Since, however, claims 104 and 112 recite identical alloys, Applicant submits that all of claims 90-115 of Group III read on the same species, and thus, claims 90-115 are hereby elected for examination.

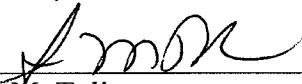
Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 60-89 and 116-143.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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